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The Honorable Robert J. Bryan
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA
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16 ANNETTE BAKAY and RICHARD BAKAY,
17 husband and wife,

18 Plaintiffs,

19 vs.

20 LAURIE A. YARNES, et al;

21 Defendants.

22 Case No.: C04-5803

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25 **STIPULATED MOTION AND AGREED
ORDER DISMISSING DEFENDANTS
CLALLAM COUNTY, TRACEY KELLAS,
AND LAURIE YARNES, AND
DISMISSING THE MALICIOUS
PROSECUTION COUNTERCLAIMS OF
TRACEY KELLAS AND LAURIE
YARNES WITH PREJUDICE AND
WITHOUT FEES, COSTS, OR
SANCTIONS**

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28 **Noting Date: January 5, 2006**

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30 ***Clerk's Action Required***

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I. MOTION FOR STIPULATED DISMISSAL

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35 COME NOW Defendants Clallam County, Tracey Kellas, and Laurie Yarnes, and the
36 marital communities of Tracey Kellas and John Doe Kellas, and Laurie Yarnes and John Doe
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39 STIPULATED MOTION AND AGREED
40 ORDER OF DISMISSAL PERTAINING
41 TO DEFENDANTS CLALLAM COUNTY,
42 YARNES, KELLAS [CV04-5803 RJB] - 1

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44 LAW OFFICE OF ADAM P. KARP
45 ADAM P. KARP, ESQ.

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48 adam@animal-lawyer.com

Yarnes, and Plaintiffs Annette and Richard Bakay, by and through their respective attorneys of record and stipulate to the following:

1. There is no independent claim for violation of the Washington State Constitution in
2 this matter and any such claim was brought under the Section 1983 cause of action
3 and was disposed of by prior court ruling under that federal statute.
4. Clallam County, Tracey Kellas, and Laurie Yarnes dismiss with prejudice and
5 without fees or costs their malicious prosecution counterclaims.
6. Defendants Clallam County, Tracey Kellas, and Laurie Yarnes abandon their
7 pending motion for sanctions on all bases (inherent court authority, court rule, or
8 statute), including costs and fees.
9. Plaintiffs agree not to appeal any court ruling pertaining to Defendants Clallam
10 County, Tracey Kellas, and Laurie Yarnes, provided that they may still appeal court
11 rulings pertaining to the other named defendants.
12. This stipulation is not intended to operate for the benefit of any other defendant.
13. This motion is noted for same day consideration under LR 7(d)(1).

17 DATED this January 5, 2006.

18 LEE SMART COOK MARTIN & PATTERSON, P.S., INC.
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20 By: /s/ Charles P.E. Leitch
21 Charles P.E. Leitch, WSBA No. 25443
22 Of Attorneys for Defendants Yarnes, Kellas, and Clallam Cy.
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24 STIPULATED MOTION AND AGREED
25 ORDER OF DISMISSAL PERTAINING
TO DEFENDANTS CLALLAM COUNTY,
YARNES, KELLAS [CV04-5803 RJB] - 2

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LAW OFFICE OF ADAM P. KARP

By: /s/ Adam Karp
Adam P. Karp, WSBA No. 28622
Of Attorneys for Plaintiffs

II. ORDER

IT IS SO ORDERED.

Dated this 6th day of January, 2006.



ROBERT J. BRYAN
United States District Judge

STIPULATED MOTION AND AGREED
ORDER OF DISMISSAL PERTAINING
TO DEFENDANTS CLALLAM COUNTY,
YARNES, KELLAS [CV04-5803 RJB] - 3

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